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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/945,089 10/17/97 BRIERE

0 U-48077

IM21/U626
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WASHINGTON DC 20037-3202

EXAMINER

DAVIS, R

ART UNIT

PAPER NUMBER

1722

DATE MAILED:

06/26/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/945,089

Applicant(s)

Briere et al

Examiner

Robert Davis

Group Art Unit

1722



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-13 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Oct 17, 1997 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Specification

1. This application does not contain an abstract of the disclosure as required by 37

CFR 1.72(b). An abstract on a separate sheet is required.

2. The disclosure is objected to because of the following informalities:

On line 10 of page 8, "Figure 3" should be "Figure 2".

On line 14 of page 8, "two ribs 18" should be "two ribs 16" to match figure 2.

Appropriate correction is required.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the pressure compensation means being a chamber and an o-ring as claimed by means of the 112 6th language in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

4. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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On line 3 of claim 10, the phrase "'jackknife'-type mold" is indefinite. First the quotes should be removed from around the term jackknife. Second, "[T]he word 'type' when appended to an otherwise definite expression so extends the scope of such expression as to render it objectionably indefinite from the standpoint of patent law and procedure.", *Ex parte Copenhaver*, 109 USPQ 118.

5. A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949). In the present instance, claim 1 recites the broad recitation containers, and the claim also recites in particularly bottles which is the narrower statement of the range/limitation.

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Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1, 2, 4, 7, 8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al (4,072,456: figures 10-12; column 11, lines 36-57 and column 12, lines 8-27) taken together with Schavoir (1,409,591: figures 1-4; page 1, lines 88-99 and page 2, lines 63-68).

Appel et al disclose a blow molding device for manufacturing bottles comprising: two half molds (43, 44) which include two semi-cylindrical shells (130,131) which form the mold cavity and means to move the molds (120,121) wherein the a cooling system is supplied which does not require exchange of cooling system supply connections when changing the mold inserts (column 12, lines 13-26). The reference discloses mounting flanges (140,141). The reference

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does not disclose quick fixing means per se or the shell and molds having thermal conduction contact.

Schavoir discloses a molding device comprising inserts (22) made of a soft metal and connected to support molds (10,11) by quick fixing means (26,28). The reference also shows that the inserts are in thermal conduction contact with the support molds.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Appel et al by having an insert in thermal conduction contact with a mold support by means of quick fixing means as disclosed by Schavoir because the thermal conduction contact provides a much cleaner operation than the cooling channel of Appel et al which must be emptied of liquid before exchanging inserts. It would have been further obvious to use the quick fixing means to decrease the down time of the apparatus while changing mold inserts to form differently shaped articles.

8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al taken together with Schavoir as applied to claims 1, 2, 4, 7, 8 and 13 above, and further in view of Turner et al (3,753,641: figure 2).

The combination of Appel et al and Schavoir disclose all claimed features except for the use of positioning means between the shell and mold.

Turner et al disclose a blow mold having a shell (21) and a supporting mold (10) wherein a ledge as shown in figure 2 positions the parts in respect to one another.

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It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of the combination by using a positioning means as disclosed by Turner et al as such means where well known in the art as aids in assembling multi-part molds to avoid damage to the mold upon clamping due to improper alignment. It would have been further obvious to use a rib and mating groove as such was well known mold and insert aligning means which provide better alignment than the positioning means of Turner et al.

9. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Appel et al taken together with Schavoir as applied to claims 1, 2, 4, 7, 8 and 13 above, and further in view of Abramam (5,332,384: figures 1, 2 and 5).

The combination of Appel et al and Schavoir disclose all claimed features except for the means for guiding the mold halves together.

Abramat discloses means (20,30) for aligning opposing mold halves.

It would have been obvious at the time of the invention to one of ordinary skill in the art to modify the apparatus of Appel et al by using mold halve aligning means as disclosed by Abramam to prevent damage improperly aligned molds during clamping and to prevent the likelihood of molding improperly shaped articles which must be recycled or scrapped.

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Allowable Subject Matter

10. Claims 3, 9, 10 and 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is an examiner's statement of reasons for allowance: None of the prior art of record teach or suggest the shell being in partial thermal conduction contact for differentially treating the material as claimed in claim 3. In regards to claim 9, none of the prior art of record teach or suggest quick fixing means which comprises a stop on one side of then quick screwing means on the other side of the parting face. In regards to claim 12, none of the prior art of record teach or suggest pressure compensating means being a chamber and o-ring seal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references show various mold inserts and blow molding apparatus.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Davis whose telephone number is (703) 308-2625. The examiner can normally be reached on Monday thru Friday from 8 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan, can be reached on (703) 308-2383. The fax phone number for this Group is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.

A handwritten signature in black ink, appearing to read 'Robert Davis', with a long horizontal flourish extending to the right.

Robert Davis
Primary Examiner
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6/21/98